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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,887

10/31/2003

Kwang-Wook Kim

0630-1864P

9001

2292 7590 04/27/2007
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT

PAPER NUMBER

3753

NOTIFICATION DATE

DELIVERY MODE

04/27/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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Interview Summary	Application No.	Applicant(s)	
	10/697,887	KIM ET AL.	
	Examiner	Art Unit	
	Ramesh Krishnamurthy	3753	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Ramesh Krishnamurthy. (3) _____
 (2) Robert Webster. (4) _____

Date of Interview: 18 April 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____

Claim(s) discussed: 4 & 12.

Identification of prior art discussed: DE 75 13 261 ; US 2002/0150488.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Interview Summary (Attachment)

Attorney Webster argued that the reversal of parts idea supplemented by the argument involving functional equivalence was not tenable in that a disc brake is functionally equivalent to a drum brake but one could not be substituted for the other in general. In response, examiner noted that an analogy cannot be carried to far and that in the instant application the sloping surface could be either on the valve or on the wall opposite thereto, with either arrangement resulting in the same unbalanced force on the valve and thus are truly functional equivalents of each other. Regarding claim 4, attorney explored the plausibility of reciting the different stiffness of the spring in a manner that is not influenced by the structural arrangements of the valve. Attorney agreed to file a response in due course.

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

FAX TRANSMISSION

DATE: April 11, 2007
CLIENT NO.: 0630-1864P
MESSAGE TO: Examiner Ramesh Krishnamurthy
COMPANY: USPTO
FAX NUMBER: (571) 273-4914
PHONE: (571) 272-4914
FROM: Robert J. Webster, Reg. No. 46,472
PHONE: (703) 205-8076

Serial No. 10/697,887

PAGES (Including Cover Sheet): 3

HARD COPY TO FOLLOW: ☐ YES ☒ NO

MESSAGE:

Mr. Krishnamurthy:

An Applicant Initiated Interview Request Form is attached hereto, concerning the interview scheduled for next Wednesday.

Very truly,

Bob Webster

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (703) 205-8000 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

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PATENT
0630-1864P*IN THE U.S. PATENT AND TRADEMARK OFFICE*

Applicant:	Kwang-Wook KIM et al.	Conf. No.:	9001
Appl. No.:	10/697,887	Group:	3753
Filed:	October 31, 2003	Examiner:	R. Krishnamurthy
For:	DISCHARGING VALVE ASSEMBLY OF RECIPROCATING COMPRESSOR		

Applicant Initiated Interview Request Form**Tentative Participants:**

1. Primary Examiner Ramesh Krishnamurthy
2. Mr. Robert J. Webster, Reg. No. 46,472

Proposed Date of Interview: April 18, 2007**Proposed Time of Interview:** 2:00 P. M.**Type of Interview:** Personal**Exhibits:** None**Issues to Be Discussed and Brief Description of Arguments**

1. Whether DE 261 explicitly or inherently discloses the invention positively recited in claims 4-6 and 10, keeping in mind that for something to be inherently disclosed it must be disclosed not just possibly and not just probably, but necessarily. In this regard, Applicants note that inherency may not be established by probabilities or

Application No.: 10/697,887
Art Unit 3753

Attorney Docket No. 0630-1864P
Reply to June 6, 2006 Office Action
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possibilities. What is inherent, must necessarily be disclosed. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) and In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

2. Whether claims 3, 12, 13-16, 19 and 20 are rendered unpatentable under 35 USC §103(a) based on DE 75 13 261, keeping in mind that the "mere reversal of parts" rationale for the rejection is an improper "per se" rule of obviousness, especially in view of the statement by the Federal Circuit in In re Ochiai, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995), that "reliance on *per se* rules of obviousness is legally incorrect and must cease."

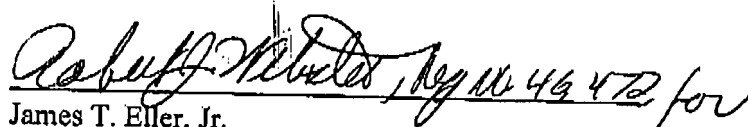
3. Whether claims 7, 9, 11, 17, 18 and 20 are rendered unpatentable under 35 USC §103(a) based on DE 75 13 261 in view of U.S. Patent Application Publication US2002/0150488 to Lee, keeping in mind the shortcomings of DE 753 261.

Date: April 11, 2007

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:


James T. Eller, Jr.
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